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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,708	08/21/2000	Manoj Khare	2207/9862	8840
23838	7590	03/25/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	8
DATE MAILED: 03/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/641,708

Applicant(s)

KHARE ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-7</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer, US Pat. No. 6,640,325 B1, in view of Kou, US Pat. No. 5,434,847.

2. As to claims 1, 6, 11, 15 and 20, Fisher teaches a method of sending messages, the method comprising determining that an outbound message stored in a buffer has been unsuccessfully sent to a receiving agent more than a threshold number of times (Fischer, col. 8, line 35 – col. 9, line 5);

However, Fisher does not explicitly teach flushing the outbound buffer before allowing any more messages to enter the outbound buffer.

In the same field of endeavor, Kou teaches sending the receiving agent outbound messages currently stored in the buffer (flush retransmit buffer; See Kou, col. 5, lines 36-66); and determining that all of said outbound messages have been successfully sent before any other outbound messages are sent to the receiving agent (transmit buffer is inhibited until retransmit buffer is flushed; See Kou, col. 5, lines 36-66).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method step of flushing the outbound buffer, as taught by Kou, into the communication system of Fischer, for the purpose of enabling reliable error correction.

3. As to claim 2, Fischer-Kou teach a method wherein an outbound message is successfully sent if a success confirmation message is received for the outbound message from the receiving agent, and wherein an outbound message is unsuccessfully sent if a retry response is received for the outbound message from the receiving agent (Fischer, col. 8, line 35 – col. 9, line 5; See Kou, col. 5, lines 36-66).

4. As to claims 3-5 and 7, Fischer-Kou teach a method wherein a retry response is received from the receiving agent for an outbound message packet if a buffer in the receiving agent that stores incoming messages does not have room for the outbound message; and transmits to an agent that can handle the message packet (Fischer, col. 8, line 35 – col. 9, line 5; See Kou, col. 5, lines 36-66).

5. As to claim 8, 12, 16 and 21, Fischer-Kou teach a method wherein the retry counter is incremented until it reaches a threshold (Fischer, col. 8, line 35 – col. 9, line 5).

6. As to claims 9, 10, 18 and 19, Fischer-Kou teach a method wherein the outbound message is a memory related message, wherein snooping the cache of a second node, wherein

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the first node has a first processor and a routing manager (Fischer, col. 8, line 35 – col. 9, line 5; See Kou, col. 5, lines 36-66).

7. As to claim 13, 14 and 17, Fischer-Kou teach a method wherein no outbound messages are sent and prevented from storage in the buffer until buffer is empty (Fischer, col. 8, line 35 – col. 9, line 5; See Kou, col. 5, lines 36-66).

8. As to claim 18, Fischer-Kou teach a method wherein the first node has a first processor (Fischer, col. 8, line 35 – col. 9, line 5; See Kou, col. 5, lines 36-66).

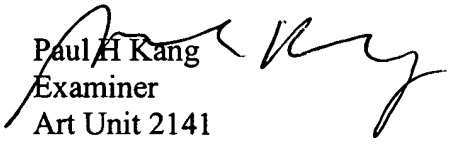
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Paul H Kang  
Examiner  
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